



Senate Workforce & Higher Education Committee  
Substitute House Bill 509-Occupational Regulations  
Opponent Testimony-November 30<sup>th</sup> 2022

Chair Johnson, Vice-Chair Cirino, Ranking Member Martin & members of the Senate Workforce & Higher Education Committee. My name is John Bruening and I am the President of the Opticians Association of Ohio. I am here today to testify as an opponent to Substitute House Bill 509, specifically the provisions in the bill eliminating licensure for spectacle dispensing opticians and spectacle contact lens dispensing opticians.

To tell you a bit about myself, I hold dual licensure as an optician, meaning I am licensed for both spectacle and contact lens dispensing. After service in the United States Air Force, I graduated from an ophthalmic dispensing program at a community college in Tampa, Florida and passed an accredited national examination to become an optician. I eventually returned home to Ohio.

Today, I am a small business owner with 11 optical offices. These offices proudly serve Ohioans in Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Portage, Summit and Trumbull counties. I have 48 employees, including 17 opticians and 10 apprentices training to become licensed opticians.

You may ask what does a licensed optician do? We are often referred to as the pharmacists of the eyecare industry. Optometrists and ophthalmologists provide eyewear prescriptions for their patients and opticians dispense the specialty eyewear in accordance with the prescription. Dispensing involves interpreting the prescription, fitting and adapting the specialty eyewear for the patient's needs.

**Education:**

There are two pathways to become a licensed optician in Ohio. Both pathways require passage of a national certification exam and a criminal background check. One pathway to licensure includes successful completion of a two-year college program in opticianry. At the end of the program, the individual is eligible for dual licensure in spectacle and contact lenses.

The other pathway requires successful completion of an apprentice program under the direct supervision of a licensed optician, optometrist or ophthalmologist. The apprentice program currently requires 2000 hours for spectacle licensure and an additional 1000 hours for the contact lens license. The spectacle apprentice program includes such areas of instruction in use and function of a lensometer and pupilometer, determination of pupillary distance, lens decentration, vertex distance, prism, frame size to patient, frame and lens measurement, interpreting the prescription and anatomy and physiology of the eye, just to name a few components.

The contact lens apprentice program includes additional instruction in anatomy and physiology of the eye, use of a keratometer, slit lamp, radiuscope, diagnostic fit and evaluation and interpreting the prescription,

just to name a few areas. Apprentices are paid during their apprenticeship which allows them to earn money while preparing for licensure. An individual is not required to hold both a spectacle and contact lens license. The individual can choose to become only a spectacle licensed optician and not pursue an additional apprenticeship for contact lens licensure.

**Number of Licensed Opticians in Ohio:**

I have listed below the number of current licensees and apprentice registrations in Ohio as of June 30, 2021 according to the Vision Professional Board. It is important to note that these numbers are an increase over the prior year which shows that the optician profession is growing.

Optician (Spectacle)	2,118
Optician (Dual Spectacle and Contact Lens)	999
Optician (Contact Lens Only)	17
<b>Total Licensed Opticians:</b>	<b>3,134</b>
<b>Apprentice Optician Registrations:</b>	<b>2,075</b>

**Opticians are Recognized Medicaid Providers in Ohio:**

Opticians in Ohio are eligible to become Medicaid providers because we are licensed. Due to Ohio’s low Medicaid reimbursement rate, opticians are often the practitioners in rural and inner- city areas filling the eyewear prescriptions for Ohio’s Medicaid population. ***Without licensure, opticians will no longer qualify as Medicaid providers, leaving a large void for where Medicaid recipients can get their eyewear prescription filled.***

I am a recognized Medicaid provider. Each of my locations accepts the following Medicaid programs: Medicaid, Molina, Buckeye, CareSource, March Vision, Superior Vision, UHC Community Plan.

**Based on industry estimates in Ohio, optician-owned opticals serve approximately 14,000 Medicaid patients each month.** Average reimbursement is between \$17-\$32 per claim for straight Medicaid, slightly more for other plans. As you can see, the reimbursement is low which is why many optometrists will conduct the exam for the Medicaid patient and provide the prescription for corrective lenses but do not fill the prescription as it is not cost-effective to do so. This optometric desert is frequently filled by opticians. In neighboring states that do not license opticians, such as Pennsylvania, Indiana, Illinois and West Virginia, opticians do not qualify under the state’s Medicaid program to fill eyewear prescriptions as they are not licensed.

In eliminating licensure of opticians, I will no longer be eligible to serve Medicaid patients. I will also no longer be eligible to order corrective lenses for any Ohioan as qualified vendors require a licensed individual to place a prescriptive order. Many optical small business owners will close their offices as they will not be able to serve the public’s eyewear needs. This will have an especially dramatic effect on individuals residing in rural and inner-city areas as access will be reduced for their prescriptive eyewear needs.

### **Salaries:**

Licensed opticians earn a higher wage in Ohio than in neighboring unlicensed states. According to the May, 2021 Bureau of Labor Statistics, the annual and hourly mean wage for opticians is higher than in every neighboring state. The annual mean wage in Ohio is \$43,090 compared to Indiana at \$34,890, West Virginia at \$33,230, Pennsylvania at \$35,870, and Michigan at \$38,360. Licensure not only provides protection for the public through safety standards but it results in better wages for opticians than in unlicensed states. Eliminating licensure will significantly reduce optician wages, likely resulting in them leaving the field altogether to find a better paying career.

### **Liability:**

Eliminating licensure in favor of the substitute bill's language that "an individual may engage in optical dispensing without holding a certificate of licensure" is alarming as anyone would be able to interpret, fit and adapt prescription eyewear without training, education, background check, or adherence to safety standards. Deregulating the optician profession will result in more errors and potentially more lawsuits. I contacted my professional liability insurer regarding the impact of my coverage if Ohio deregulates the optician profession. The insurer's response I received by email was as follows: ***"Liberty Mutual will be unable to renew your professional liability coverages if your business becomes deregulated. The concern is with nobody licensed who can perform the professional services, it leaves open the possibility of more lawsuits."*** Even insurers recognize the potential for increased lawsuits when unlicensed individuals provide complex vision services to the public. This is not conducive to a healthy business environment or for the safety of Ohioans.

### **Recommended Amendments:**

We are not aware of any complaints to the Vision Professionals Board, members of the General Assembly or other health care professionals that the pathway to licensure to become an optician is burdensome and should be eliminated. However, given the interest in reducing any potential barriers to licensure, the OAO suggests the following amendments:

- 1) **Reinstate licensure for spectacle dispensing opticians and spectacle contact lens dispensing opticians; Eliminate the license for contact lens only opticians.** Reinstate the sections of law deleted by the substitute bill affecting licensure for spectacle and spectacle contact lens dispensing opticians, including reinstating the 2 optician seats on the Vision Professionals Board. There are not many contact lens only dispensing opticians as the overwhelming majority of individuals seeking contact lens licensure will obtain a dual license for spectacle and contact lenses. Thus, we agree to eliminating the stand-alone contact lens license.
- 2) **Modify the apprentice program to become a spectacle and spectacle contact lens dispensing optician.** In addition to passage of a national exam and background check, current law in Section 4725.48 requires completion of either a two-year college level program OR two years of supervised experience under a licensed optician, optometrist or ophthalmologist. Administrative rules state that the apprentice program consist of 2,000 hours for a spectacle license and an additional 1,000 hours for individuals adding the contact lens license. We recommend deleting the two-year supervised experience requirement in statute in favor of statutory language requiring 1,000 apprentice hours under the direct supervision of an optician, optometrist or ophthalmologist for a spectacle license and an additional 500 hours to qualify for the contact lens component of the spectacle contact lens license. The requirement for passage of a national exam and background

check are important to maintain to ensure competency and protection of the public. By cutting the apprentice program hours in half and eliminating the need for it to be two years, individuals can more rapidly move through the apprentice program. Upon careful consideration, the OAO and Vision Board believe that the reduced apprentice program can be structured to cover the necessary topics for licensure and ensure public protection in the shorter amount of time through this proposal.

In conclusion, we believe that optician licensure is vital for protection of the public when it comes to prescription eyewear. Eliminating licensure will create a vacuum for all Ohio consumers, and especially Medicaid recipients, as to where they can fill their eyewear prescriptions. This will affect those in rural and urban areas especially. Under the substitute bill, unregulated individuals would be able to claim they can fill prescription eyewear without any credentials, background check, education or training. The only result will be a negative one for consumers from both a financial and safety perspective. We strongly urge you to reinstate licensure for spectacle and spectacle contact lens opticians. Thank you and I will be happy to answer any questions.